

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Eric R. KERN, et al.

Confirmation No. 4794

Serial No. 10/606,392

Group Art Unit: 2146

Filed: June 25, 2003

Examiner: Benjamin R. Bruckart

For: SIMULTANEOUS SHARING OF STORAGE DRIVES ON BLADE CENTER

Mail Stop Appeal Reply- Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF ON APPEAL

Sir:

Pursuant to 37 C.F.R 41.41, Appellant submits this Reply Brief in response to Examiner's answer mailed February 6, 2008.

I. Real Party In Interest

A statement identifying the real party in interest is contained in the Appeal Brief.

II. Related Appeals and Interferences

A statement identifying the related appeals and interferences in contained in the Appeal Brief.

III. Status of Claims

A statement identifying the status of the claims is contained in the Appeal Brief.

IV. Status of Amendments After Final

A statement identifying the status of amendments is contained in the Appeal Brief.

V. Summary of Claimed Subject Matter

A statement identifying the claimed subject matter is contained in the Appeal Brief.

VI. Grounds of Rejection to be Reviewed on Appeal

A statement identifying the grounds of rejection to be reviewed on appeal is contained in the Appeal Brief.

VII. Response to Examiner's Answer

A. In response to Appellant's argument that Sakthikumar (US Patent Publication No. 2004/40181601)("Sakt") fails to disclose a management system simultaneous access of a plurality of blade servers to a storage drive, Examiner stated that "Sakt is relied upon to teach all the argued features minus the explicit disclosure of 'simultaneous access.'

Appellant agrees that Sakt fails to explicitly teach or suggest simultaneous access. Furthermore, Appellant respectfully disagrees with Examiner's argument that 'shared access' is substantially the same as 'simultaneous access.'

B. In response to Appellant's argument that Bottom et al. (US. Patent Publication No. 2002/0124114)("Bottom") fails to disclose a management system managing access of a plurality of blade servers to a storage drive, Examiner stated that "Bottom teaches 'simultaneous access' in the broad definition of the phrase." More specifically, Examiner states that "the Bottom references teach 'simultaneous access' in

the sense that the blade servers are always connected to the shared drive through the midplane.” However, Examiner does not assert that Bottom teaches or suggests a ‘simultaneous access’ through a logical connection.

Appellant respectfully disagrees with Examiner’s broad view of the phrase ‘simultaneous access.’ Under Examiner’s interpretation, ‘simultaneous access’ is reduced to a mere physical connection, or attachment, at the same time. However, Appellant discusses the case of a physical connection in the background section of the specification in describing a Blade Center having independent blade servers connected across a backplane. One of ordinary skill in the art would distinguish a physical attachment which is required previous to a logical connection. Thus, Appellant does not claim a physical connection at the same time.

The specification, when referring to ‘simultaneous access,’ is consistent with a logical connection. First, the claims set forth ‘simultaneous routing’ which is not possible without logical connections. Next, the background section identifies a problem with a blade server having to disconnect from a remote drive to allow another blade server to connect to the same (p.2, ll. 4-7). One of ordinary skill in the art would understand that the server blades are not physically disconnected and reconnected from the backplane. Moreover, the specification distinguishes between a physical connection and a logical connection. The physical connection is illustrated by way of blade servers 202a-202c connected to a backplane (p. 4, ll. 16-17). By contrast, the logical connection is illustrated by way of host controller 218 in communication with remote drive 214 (p. 5, ll. 4-8). The specification further describes that because of the logical connection, “each blade 202a-202c can simultaneously connect with the plurality

of drives" (p. 5, ll. 8-10; also see p. 6, ll. 14-17; also see p. 7, ll. 1-3; and also see p. 8, ll. 18-20). Thus, the specification refers to 'simultaneous access' as a logical connection which is consistent with how one of ordinary skill in the art would interpret the phrase.

Examiner, in asserting 'shared access' of a physical connection, has not asserted that Bottom teaches 'simultaneous access' through a logical connection. In fact, Bottom is primarily directed towards physical connections. Namely, all figures (i.e., FIGS. 1-7) illustrate hardware such as a midplane with several blades attached at the same time. Also, an element of claim 1 is directed to "a plurality of switch blades removeably and simultaneously connectable to one of the plurality of blade interfaces on the midplane." Assuming *arguendo*, that Bottom discloses logical connections, the reference is silent on 'simultaneous access' because the concept is not within scope of the disclosure. Thus, the midplane of Bottom fails to contemplate simultaneous access in a logical manner.

C. In response to Appellant's argument that Examiner failed to establish a *prima facie* case of obviousness, Examiner stated that the combination of Sakt and Bottom teach the claimed invention.

As discussed above, both Sakt and Bottom fail to disclose 'simultaneous access' as discussed above. Therefore, Appellant respectfully submits that a *prima facie* case of obviousness has not been made.

D. In response to Appellant's argument that Medina et al. (US Patent No. 6,975,581)("Medina") failed to teach a 'simultaneous access,' Examiner relied upon Sakt and Bottom. Examiner does not assert that Medina discloses 'simultaneous access.'

As discussed, Appellant submits patentability over Sakt and Bottom. Appellant further submits patentability over Medina.

E. In response to Appellant's argument that Rutherglen et al. (US Patent Publication No. 2003/0033517)("Rutherglen") failed to teach a 'simultaneous access,' Examiner relied upon Sakt and Bottom. Examiner does not assert that Medina discloses 'simultaneous access.'

As discussed, Appellant submits patentability over Sakt and Bottom. Appellant further submits patentability over Rutherglen.

Respectfully Submitted,

April 7, 2008

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APPENDIX OF CLAIMS

1. (Previously Presented) A method for providing simultaneous access between a storage drive and a plurality of blade servers, the method comprising:

configuring the plurality of blade servers to simultaneously connect with the storage drive, wherein the plurality of blade servers is managed by a management system and the storage drive is coupled to the management system;

each blade server of the plurality of blade servers simultaneously routing data packets between the management system and the blade server; and

the management system managing simultaneous access of the plurality of blade servers to the storage drive, including routing the data packets received from the plurality of blade servers to the storage drive.

2-21. (Cancelled)

22. (Previously Presented) A system comprising:

a management system;

a storage drive connected to the management system; and

a plurality of blade servers managed by the management system,

wherein each blade server of the plurality of blade servers is configured to simultaneously connect with the storage drive and route data packets between the management system and the blade server, and wherein the management system manages simultaneous access of the plurality of blade servers to the storage drive, including routing the data packets received from the plurality of blade servers to the storage drive.

23. (Previously Presented) The system of claim 22, wherein each of the plurality of blade servers is configured to have a separate interface for communicating with the storage drive.

24. (Previously Presented) The system of claim 23, wherein each blade server of the plurality of blade servers simultaneously routes data packets between the management system and the blade server in accordance with a Virtual Local Area Network (VLAN) protocol.

25. (Previously Presented) The system of claim 24, wherein the storage drive is one of a diskette drive or a CDROM drive.

26-35. (Cancelled)

36. (Previously Presented) The method of claim 1, wherein configuring the plurality of blade servers to simultaneously connect with the storage drive includes configuring each of the plurality of blade servers to have a separate interface for communicating with the storage drive.

37. (Previously Presented) The method of claim 36, wherein each blade server of the plurality of blade servers simultaneously routing data packets between the management system and the blade server includes each blade server routing data packets to and from the management system in accordance with a Virtual Local Area Network (VLAN) protocol.

38. (Previously Presented) The method of claim 37, wherein the storage drive is one of a diskette drive or a CDROM drive.

39. (Previously Presented) The method of claim 37, wherein:

the storage drive is a remote storage drive relative to the management system, the remote storage drive being coupled to a remote system that is in communication with the management system through a network; and

the management system managing shared access of the plurality of blade servers to the storage drive includes the management system uploading an applet to the remote system, the applet establishing a connection between the remote storage drive and each blade server of the plurality of blade servers.

40. (Previously Presented) A computer readable medium encoded with a computer program for providing simultaneous access between a storage drive and a plurality of blade servers, the computer program comprising computer executable instructions for:

configuring the plurality of blade servers to simultaneously connect with the storage drive, wherein the plurality of blade servers is managed by a management system and the storage drive is coupled to the management system;

each blade server of the plurality of blade servers simultaneously routing data packets between the management system and the blade server; and

the management system managing simultaneous access of the plurality of blade servers to the storage drive, including routing the data packets received from the plurality of blade servers to the storage drive.

41. (Previously Presented) The computer readable medium of claim 40, wherein the computer executable instructions for configuring the plurality of blade servers to simultaneously connect with the storage drive include computer executable instructions for configuring each of the plurality of blade servers to have a separate interface for communicating with the storage drive.

42. (Previously Presented) The computer readable medium of claim 41, wherein the computer executable instructions for each blade server of the plurality of blade servers simultaneously routing data packets between the management system and the blade server includes each blade server routing data packets to and from the management system in accordance with a Virtual Local Area Network (VLAN) protocol.

43. (Previously Presented) The computer readable medium of claim 42, wherein the storage drive is one of a diskette drive or a CDROM drive.

44. (Previously Presented) The computer readable medium of claim 42, wherein:

the storage drive is a remote storage drive relative to the management system, the remote storage drive being coupled to a remote system that is in communication with the management system through a network; and

the computer executable instructions for the management system managing shared access of the plurality of blade servers to the storage drive include computer executable instructions for the management system uploading an applet to the remote system, and the applet establishing a connection between the remote storage drive and each blade server of the plurality of blade servers.

EVIDENCE APPENDIX

None

RELATED PROCEEDING APPENDIX

None